



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST
CABLEVISION OF WILDWOOD, INC. FOR A
CERTIFICATE OF APPROVAL TO CONTINUE TO
CONSTRUCT, OPERATE AND MAINTAIN A CABLE
TELEVISION SYSTEM IN AND FOR THE TOWNSHIP OF
LOWER, COUNTY OF CAPE MAY, STATE OF NEW
JERSEY

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE01090586

Stryker, Tams & Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Township Clerk, Township of Lower, New Jersey, by Claudia R. Kammer, for the Township.

BY THE BOARD:

On September 16, 1981, the Board granted Teleprompter Corporation ("Teleprompter") a Certificate of Approval in Docket No. 7911C-6585 for the construction, operation and maintenance of a cable television system in the Township of Lower ("Township"). On or about September 17, 1987, the Board approved the transfer of the Certificate of Approval from Teleprompter to TKR Cable Company of Wildwood, Inc. d/b/a TKR Cable Company ("TKR") in Docket NO. CM87060515. On April 9, 1992, the Board issued a Renewal Certificate of Approval to TKR in Docket No. CE91091513. The Petitioner was an indirect wholly owned subsidiary of AT&T Corporation. On April 27, 2001, the stock was transferred to a subsidiary of Comcast Corporation, which was renamed Comcast Cablevision of Wildwood, Inc. ("Petitioner"), in Docket No. CM00110923. Although the Petitioner's above referenced Certificate expired on September 16, 2001, it is authorized to continue to provide cable television service to the

Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on December 13, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearings, adopted an ordinance granting renewal municipal consent to the Petitioner on August 6, 2001. The Petitioner formally accepted the terms and conditions of the ordinance on August 14, 2001, in accordance with N.J.S.A. 48:5A-24.

On September 25, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.1 et seq.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Petitioner shall provide service to any person's residence or business located in the franchise territory as described in the application. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent, within the Cape May service area as defined in the ordinance, for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office at: 4315 New Jersey Avenue, Wildwood, New Jersey.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by

subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the ordinance. The Petitioner shall provide the Township access to a studio and remote production equipment. The Petitioner shall continue to provide one channel dedicated to PEG access to be shared with surrounding municipalities. An additional access channel shall be provided only when the existing channels reach a programming saturation point as described in the ordinance.
11. The Petitioner shall provide, free of charge, training opportunities on at least an annual basis for access producers for the purpose of enhancing the quality of access production in the community. Scheduling of such training will occur upon mutual agreement of the Petitioner and the interested access producers. If requested by the Lower Cape May Regional School District's Superintendent of Schools, the Petitioner will semi-annually conduct a special production training program for high school students and teachers, at the Petitioner's expense. The program will be coordinated with officials of the local regional high school and will be scheduled to coordinate with school calendars. Students will be trained to produce community-based programs.
12. The Petitioner shall provide standard installation and basic cable, free of charge, to one outlet to each public and private school; the police and fire stations; the Township Municipal Building; all other municipal buildings occupied by the Township and all buildings occupied by the County of Cape May within the Township, including the Cape May County Library, and any senior centers, nutrition centers and community centers.
13. The Petitioner shall meet with the Township on a semi-annual basis at the Township's request to review and discuss billing and service related complaints of Township subscribers and other issues of concern to the Township.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications

Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards of 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire September 16, 2011.

DATED: October 3, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY